



# Legislative Department Seattle City Council Memorandum

**Date:** January 7, 2011

**To:** Committee on the Built Environment (COBE)

**From:** Sara Belz, Legislative Analyst, Council Central Staff

**Subject:** **Clerk File (CF) 310852:** Application of Tony Case for a contract rezone of approximately 73,000 square feet of land from Single Family 5000 (SF 5000) to Lowrise 1 (L1) multifamily residential at 9125 Yukon Avenue South. (Project No. 3009571/Type IV).

**Note:** If COBE votes to grant this rezone, the title of CF 310852 will need to be amended to recognize the proposed action as a general rezone rather than a contract rezone.

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## Overview

Tony Case, for Rainier Beach Urban Village LLC, (the “Applicant”) proposes to rezone a site located at 9125 Yukon Avenue South from SF 5000 to L1. The property is located on the west side of Yukon Avenue South and south of South Director Street (unimproved) in the Rainier Beach Residential Urban Village. The rezone area is comprised of one parcel with a total size of around 73,000 square feet. A map of the proposed rezone area is attached to this memorandum.

## Facts related to the rezone:

- The rezone area is a hilltop site that slopes steeply downward to the west toward Martin Luther King Jr. Way South.
- The property was previously in residential and agricultural use and a partially burned-out single-family residential structure and a barn/garage are still located on the site. The residential structure is not occupied and neither structure is considered habitable.
- The Applicant’s proposal identifies this matter as a general rezone. Although no specific development plans were submitted by the Applicant, the proposal does identify “cottage-type or semi-detached housing with common green spaces” as uses that could be built on the property in the future.
- Neighboring lots to the immediate south and west of the site are currently undeveloped. A Seattle City Light transmission line easement area and the Chief Sealth greenbelt and trail are located directly north and east of the property. Some single-family development is also located north of the rezone area, between Valdez Avenue South and South Director Street.

- The parcels that immediately surround the rezone site are all zoned SF 5000; however, nearby properties along Martin Luther King Jr. Way South and South Henderson Street are zoned for Commercial and Neighborhood Commercial uses.
- In 2010, the boundaries of the Rainier Beach Residential Urban Village were expanded to include the rezone site and several neighboring properties. This expansion area was also designated as a Multifamily Residential area on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- Under L1 zoning, as many as 45 residential units could be built on the site. Under SF 5000 zoning, only 14 could be built. However, given the sloping nature of the property and other potential environmental limitations, it is possible that the site might not be able to accommodate the maximum number of units allowed under either zoning scenario.
- The rezone site is within about one-quarter mile of the Rainier Beach light rail station, community center, and library.
- The Rainier Beach Neighborhood Plan includes policies that seek to promote transit-oriented development in the vicinity of the light rail station and encourage rezones within the Urban Village that will promote redevelopment of underutilized and derelict sites.
- The DPD Director reviewed the proposed rezone pursuant to SEPA and issued a Determination of Nonsignificance (DNS), without conditions, that was not appealed. However, the site does lie within a mapped landslide prone area and appears to be within the buffer area of a mapped wetland. Also, although there are no mapped steep slope areas on the site, the SEPA checklist indicates that some portion of the slopes on the site may exceed 40 percent.
- Neither the DPD Director nor the Hearing Examiner received any comment letters regarding this rezone.

### **Type of Action**

Because this rezone is site-specific, the matter is considered quasi-judicial under the Seattle Municipal Code.<sup>1</sup> Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine, which prohibits ex-parte communication. Council decisions must be based on the record established by the Hearing Examiner.

The Hearing Examiner established the record at an open-record hearing.<sup>2</sup> The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Those exhibits include, but are not limited to, the recommendation of the Director of DPD, the State Environmental Policy Act checklist for the proposal, maps showing the rezone area, the rezone application, and other application materials.

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<sup>1</sup> Seattle Municipal Code (SMC) Chapter 23.76.004.

<sup>2</sup> Council action shall be based on the record established by the Hearing Examiner. The Council may supplement the record with new evidence or information if the Council determines that the new evidence or information was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. SMC § 23.76.054E.

## **The Record**

Selected documents and exhibits from the record are reproduced in Councilmembers' notebooks. The entire Hearing Examiner's record is kept in my office and is available for review at Councilmembers' convenience. Selected documents and exhibits reproduced here include:

- Hearing Examiner's recommendation (Green); and
- DPD's recommendation (Blue).

## **Recommendations from DPD and the Hearing Examiner**

Both DPD and the Hearing Examiner recommend approval of the proposed rezone. Several of their key conclusions, which are detailed in their respective reports, may be summarized as follows:

- Match between zone criteria and area characteristics. An intent of L1 zoning is to allow for the construction of multifamily housing that is compatible with the scale of single-family structures. Even though more than 70 percent of the existing structures in the area immediately surrounding the rezone site are in single-family use, the property is in a location where low-rise housing could be accommodated without disrupting the character or livability of neighboring development. This is due, in part, to the sloping nature of the lot, the large share of nearby properties that are currently vacant, and the close proximity of the Chief Sealth Trail and the City Light transmission line easement, all of which will help to buffer any future multifamily construction on the site from nearby single-family housing. Rezoning the property up to L1 would also be consistent with its designation in the Comprehensive Plan as an area appropriate for Multifamily Residential housing.
- Height limit. Rezoning the property from SF 5000 to L1 would have little to no impact on the maximum height limit that would apply to new buildings constructed on the site. Within single-family zones, building heights are limited to 30 feet with an allowance of up to five additional feet for structures with pitched roofs. The building height limit in L1 zones is 25 feet with an allowance of up to ten additional feet for pitched roofs. Consistent with the December 2010 passage of Ordinance 123495, which amended several sections of SMC 23.45 (the multifamily chapter of the City's Land Use Code), existing L1 zoning within Seattle will be reclassified as LR1 zoning in April 2011. The height limit in LR1 zones will be the same as the height limit in single-family zones.
- Impact evaluation. In its SEPA review, DPD determined that none of the local service capacities or other factors listed in Seattle Municipal Code (SMC) Section 23.34.008.F (e.g., public services, pedestrian safety, environmental concerns) should be affected by the proposed rezone or the potential development of up to 45 housing units.
- Critical areas. The sloping site is located in a landslide-prone area and at the edge of a mapped wetland. As such, future development on the property would be subject to the applicable development standards for environmentally critical areas in SMC 25.09.
- Neighborhood plans. The proposed rezone would be consistent with existing policies in the Rainier Beach Neighborhood Plan that support the creation of

transit-oriented development near the light rail station and encourage rezones that promote the redevelopment of underutilized sites.

- Changed circumstances. The opening of the Rainier Beach light rail station, together with recent changes to the FLUM and the boundaries of the Rainier Beach Residential Urban Village, indicate it would be appropriate to rezone the site in order to accommodate higher density residential development.
- Precedential effects. The proposed rezone, if granted, would serve as a precedent and could encourage other nearby property owners to pursue rezones of single-family zoned sites. However, the recent expansion of the Rainier Beach Residential Urban Village and related FLUM amendment would likely be a greater influence on future rezones.

### **Conditions recommended by the Hearing Examiner**

The Hearing Examiner's recommendation that this rezone be approved was not subject to any conditions.

### **Appeals**

The Hearing Examiner's report was not appealed by any of the parties of record for this matter.

### **Staff Recommendation**

Staff recommends approval of this proposed rezone.

### **Next Steps**

Council staff, in consultation with the Law Department, will draft the necessary documents to complete this rezone decision. These include a Council Bill and a Council Findings, Conclusions and Decision for CF 310852. Further discussion and a possible Committee vote on this matter are scheduled to occur at the January 26, 2011, COBE meeting.

# Map of Proposed Rezone Area: 9125 Yukon Avenue South

